



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,941	12/18/2000	Piotr Cofta	460-010020-US (PAR)	4785

7590 07/14/2006
Clarence A. Green
PERMAN & GREEN, LLP
425 Post Road
Fairfield, CT 06430

EXAMINER

PARTHASARATHY, PRAMILA

ART UNIT PAPER NUMBER

2136

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/739,941	Applicant(s) COFTA ET AL.	
	Examiner Pramila Parthasarathy	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the communication filed on January 19, 2006.

Claims 1– 10 were previously presented.

Claim Objections

2. Claim 10 is objected to because of the following informalities: Replace “for binding a program module, which program...” with “for binding a program module, in which program....”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 – 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Art Unit: 2136

4. Claims 1 – 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 10 recite the limitation "program modules" in "...for binding a program module, ...said program modules...." and "...for binding a program module, ...program modules...." . There is insufficient antecedent basis for this limitation in the claim.

5. Claim 1 recites the limitation "wherein the tags" in "...wherein the tags are supplemented with second tags,...." . There is insufficient antecedent basis for this limitation in the claim.

6. Claim 1 recites the limitation "program modules" in "...for binding a program module, ...said program modules...." and "...for binding a program module, ...program modules...." . There is insufficient antecedent basis for this limitation in the claim.

7. Claims 1 and 3 recite the limitation "said second call data " in "...the call is also supplemented with said second call data" . There is insufficient antecedent basis for this limitation in the claim.

8. Dependent Claims 2 – 13 are rejected based on their dependency from Claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1 – 3 and 6 – 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Parthasarathy et al. (U.S. Patent Number 6,347,398).

10. Regarding Claim 1, Parthasarathy et al. teaches and describes a method for binding a program module in a terminal, in which one or several programs are running, and in which method subroutines are stored in said program modules, the program modules are provided with first tags, wherein to start binding, the program makes a call to a subroutine, and the call is supplemented with the first tags to select the program module for binding, in which the called subroutine is stored, wherein the tags are supplemented with second tags, that the call is also supplemented with said second call data, and that in connection with the binding, said first tags stored in the program modules are compared with the first tags transmitted in the call, and the second tags are compared with the second call data transmitted in the call, and the program module to be bound is selected to be the program module which matches with the first tags and

the second call data transmitted in the call (Fig. 4; Column 2 line 58 – Column 3 line 21 and Column 8 line 10 – Column 9 line 8).

11. Regarding Claim 7, Parthasarathy et al. teaches and describes a terminal comprising means for binding a program module, which program modules contain stored subroutines and first tags, and which terminal also comprises means for running programs, means for standing binding by performing in the program a call to a subroutine, the call being supplemented with first call data to select that program module for binding in which the called subroutine is stored, wherein the program modules contain stored second tags; that the terminal also comprises means for adding second call data to the call, means for comparing said first tags stored in the program modules with the first call data transmitted in the call, means for comparing the second tags with the second call data transmitted in the call, and means for selecting a program module to be bound on the basis of said comparison (Fig. 4; Column 2 line 58 – Column 3 line 21 and Column 8 line 10 – Column 9 line 8).

12. Claims 2 and 8 are rejected as applied above in rejecting claims 1 and 7. Furthermore, Parthasarathy et al. teaches wherein the second tags to be formed in the program modules contain a digital signature (Column 9 lines 33 – 38).

Art Unit: 2136

13. Claims 6 and 10 are rejected as applied above in rejecting claims 1 and 7.

Furthermore, Parthasarathy et al. teaches where program modules are stored in a server communicating with a digital network, wherein the terminal used is a mobile terminal and the binding of the program modules is performed at least partly by messages complying with the WAP protocol (Column 29 lines 3 – 29).

14. Claims 3 and 9 are rejected as applied above in rejecting claims 2 and 8.

Furthermore, Parthasarathy et al. teaches wherein the second call data are supplemented with a public key, on the basis of which the digital signature of the second call data formed in the program module is verified (Column 9 lines 33 – 38).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2136

15. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parthasarathy et al. (U.S. Patent Number 6,347,398) in view of Sites (U.S. Patent Number 6,728,880).

16. Claims 4 and 5 are rejected as applied above in rejecting claim 1. Although, Parthasarathy et al. teaches the program modules are stored and the second call data are supplemented with a public key, on the basis of which the second tags are formed in the program modules (Column 9 lines 33 – 38), Parthasarathy et al. do not explicitly disclose the second tags to be formed in the program modules are stored in an encrypted form. However, Sites discloses a system for providing trusted data (time), which is stored on the server that is protected by a digital signature (Sites Column 1 lines 24 – 32).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to store trusted data in the encrypted form to maintain integrity of trusted data. One of ordinary skill in the art would have been motivated to do this because it would validate the trusted data (second tags) and the integrity is confirmed, for example, decrypting the trusted data can only be done with a corresponding public key.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Applicant is urged to consider the references. However, the references should be evaluated by what they suggest to one versed in the art, rather than by their specific disclosure. If applicants are aware of any better prior art than those are cited, they are required to bring the prior art to the attention of the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pramila Parthasarathy whose telephone number is 571-272-3866. The examiner can normally be reached on 8:00a.m. To 5:00p.m.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-232-3795. Any inquiry of a general nature or relating to

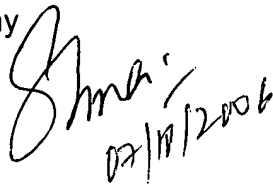
Art Unit: 2136

the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pramila Parthasarathy

July 09, 2006.



07/11/2006